

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RSI CORP., dba RESPONSIVE SYSTEMS
COMPANY, a New Jersey corporation,

Case No. C-08-03414 RMW

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, a New York corporation;
and DOE DEFENDANTS 1-20,

ORDER RE DISCOVERY DISPUTE 2 & 3

[Re Docket Nos. 272, 273]

Defendants.

The court orders as follows:

1. IBM's request for an order requiring RSI "produce documents and allow testimony regarding its negotiations with Computer Associates" is DENIED;
2. RSI has represented that it "will conduct a reasonable search in response to IBM's request [about documents related to payments to Folium] and will produce any relevant, non-privileged responsive documents." The court orders RSI to do so by March 1, 2013.
3. RSI's request for production of IBM's litigation-related document retention notice(s) is DENIED.

1 4. IBM has represented that "it has conducted a reasonable search but has not located
2 any audit-related . . . document retention notice." Therefore, RSI's request for
3 an order that IBM produce such documents is DENIED as moot.
4 5. IBM has represented that it will "undertake a reasonable search for the
5 document(s) referred to by IBM's witness in a recent 30(b)(6) deposition" with
6 regard to pricing documents and that it has already produced some of these
7 documents. The court orders IBM to complete its search and produce any
8 relevant, non-privileged responsive documents by March 1, 2013.

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10 Dated: February 14, 2013


Ronald M. Whyte
United States District Court Judge